

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 1:16CR133
)	1:17CV2494
Plaintiff-Respondent,)	
)	JUDGE DONALD C. NUGENT
vs.)	
)	
RICHARD G. LEMOINE, JR.,)	
)	<u>MEMORANDUM AND ORDER</u>
Defendant-Petitioner.)	

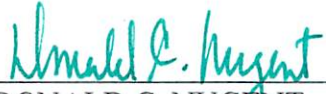
This matter comes before the Court upon the Plaintiff-Respondent's, United States of America, Motion to Strike Defendant-Petitioner's Section 2255 Petition. (ECF #32). The United States argues that Petitioner's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody exceeds the 20-page limitation on dispositive motions under Local Rule 7.1 of the United States District Court, Northern District of Ohio. Petitioner's Section 2255 Petition, which was filed on November 27, 2017, totals 57 pages - 13 pages of completed forms and 44 pages entitled "Memorandum of Law." (ECF #25 and 25-1).

Local Rule 7.1 provides that memoranda relating to dispositive motions are limited to 20 pages. Petitions filed under § 2255 are considered a "motion" under the local rule. *Martinez v. United States*, 865 F.3d 842, 844 (6th Cir. 2017). Rule 7.1(i) provides that non-compliance is sanctionable at the Judge's discretion.

Therefore, this Court will allow Petitioner to refile his § 2255 Petition, and instructs Petitioner to comply with Rule 7.1 and limit the Memorandum of Law to 20 pages. Failure to

adhere to this page-limitation will result in having the Petition dismissed. *See Id.* Petitioner must refile the Petition by February 19, 2018.

IT IS SO ORDERED.


DONALD C. NUGENT
United States District Judge

DATED: January 24, 2018